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TOWARDS A DISABILITY CRITIQUE OF TORTS:

Lessons from the US and Israel

WEDNESDAY, MARCH 30TH, 2016

4:00 PM – 6:00 PM

WARREN ROOM (295 BOALT HALL), BERKELEY LAW

Sagit Mor

Faculty of Law, University of Haifa; Israel Institute Teaching Fellow, University of Washington

Discussants:

Susan Schweik, Professor of English and Co-leader, HIFIS Disability Studies Cluster, UC Berkeley

Stephen Sugarman, Roger J. Traynor Professor of Law, Berkeley Law

The law plays a significant role in shaping the meaning of disability. Tort law, specifically personal injury law, is a central arena where the meaning of disability is produced, shaped, contested, and utilized: it assigns responsibility for disabling events; awards damages to the injured to cover disability related costs; and deals with the bodily, material, social, and legal implications of disablement. Yet, there seems to be a gap, if not a contradiction, between the social vision of disability rights, inclusion and equality, and tort law's basic rationales. While tort law focuses on the circumstances of injury and individual responsibility and views disability as an inherent state of pain and suffering, the disability critique emphasizes social disablement through stigma, lack of access, and inadequate social services. This talk will examine a social construction critique and a disability-equality critique of tort, demonstrated through several examples from Israel and the US.

Sagit Mor is a Senior Lecturer at the University of Haifa Faculty of Law, Israel. She is an Israel Institute Teaching Fellow visiting the University of Washington for the 2015-2016 academic year (affiliated with Law Societies and Justice program (LSJ) and the Stroum Center for Jewish Studies). Mor is the co-founder of the Collaborative Research Network of Disability Legal Studies at the Law and Society Association (LSA) and of IDSN, the Israeli Disability Studies Network, and is the Director of the Law and Health LL.M. Program at the Haifa Faculty of Law. Mor's areas of interest include disability critique of law, law and society, law and social change, torts, bioethics, and health law.

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